

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DAVID E. HALFORD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:09cv689-MHT
)	(WO)
WESTPOINT HOME, INC.,)	
)	
Defendant.)	

ORDER

It is ORDERED that defendant WestPoint Home, Inc.'s motion to strike (doc. no. 35) is denied.

In resolving WestPoint's motion for summary judgment, the court has implicitly considered the motion to strike as notice of objection to the evidence described. See Norman v. Southern Guar. Ins. Co., 191 F. Supp. 2d 1321, 1328 (M.D. Ala. 2002); Anderson v. Radisson Hotel Corp., 834 F. Supp. 1364, 1368 n. 1 (S.D. Ga. 1993). The court is capable of sifting evidence, as required by the summary-judgment standard, without resort to an exclusionary process, and the court will not allow

the summary-judgment stage to degenerate into a battle of motions to strike.

DONE, this the 11th day of August, 2010.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE